

REMARKS

This is in response to the Office Action dated May 27, 2008. Applicant has amended the application as set forth above. All the features of the amended claims are fully supported by the originally filed application and drawings. Thus, the amendments do not add new matter to the application. Upon the entry of the amendments, Claims 1-26 are pending in this application. Applicant respectfully requests the entry of the amendments and reconsideration of the application.

Amendment to the Specification

Applicant has amended “monomer and waste polyamide” into --monomer or waste polyamide-- in paragraphs [0025] and [0041] of the instant application publication, where the amendment of “and” into --or-- is to correct a clerical error or a typo to correspond to paragraph [0042] that describes that at least one of Polyamide-producing monomer and waste polyamide can be selected in an alternative way and Example 3 that describes the step to add only waste nylon fiber.

Claim Rejections under 35 U.S.C. §103

The Examiner rejected Claims 1-26 under 35 U.S.C. §103(a) as being unpatentable over Matsumura (US 5,446,109) in view of Applicant’s prior U.S. Patent No. 7,166,690 or its equivalent WO 03/051956. In response, Applicant has amended Claims 1, 18 and 21 with further limitations to make the invention distinct from and non-obvious over the cited references. Withdrawal of the rejection is respectfully requested.

The Patent and Trademark Office has the burden under section 103 to establish a *prima facie case* of obviousness. *In re Piasecki*, 745 F.2d 1468, 1471-72, 223 USPQ 785, 787-87 (Fed. Cir. 1984). To establish a *prima facie case* of obviousness, three basic criteria must be met: first, the prior art reference (or references when combined) must teach or suggest all the claim limitations; second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings; finally, there must be a reasonable expectation of success. M.P.E.P. §2143.

Discussion of Matsumura (US 5,446,109)

The Examiner states that Matsumura discloses a method of forming a polyamide/polyester block copolymer where a polyamide and a polyester or epsilon-caprolactone are reacted in the presence of an aromatic monohydroxy compound, and the reactants are heated and depolymerized and then polycondensed to form a polyester/polyamide block polymer.

Applicant respectfully disagrees and submits that, according to column 9, lines 13-20, and examples in the detailed description of Matsumura, the aromatic monohydroxy compound is used in the reaction just as a compatibilizing agent, specifically a cosolvent between the polyamide and the aliphatic polyester, but is not used as a depolymerizing agent. Also, the aromatic monohydroxy compound causes a reaction of a terminal amino group and/or a carboxy group of the polyamide and the aliphatic polyester or an amide/ester interchange reaction of the polyamide and the polyester. Therefore, the reaction disclosed in Matsumura has absolutely nothing to do with ‘depolymerizing’ or ‘polycondensing’ according to the present application.

In order to expedite the procedure, however, Applicant has amend claims 1, 18 and 21 with limitations regarding an additional polyamide-producing monomer or waste polyamide and Example 3 that describes the step to add waste nylon fiber. The limitations are disclosed in paragraphs 25 and 41-42 of the instant application:

Discussion of Applicant’s Prior Patent (US 7,166,690)

First, contrary to what the Examiner alleges in the Office Action, Matsumura just discloses that the aromatic monohydroxy compound is used as a compatibilizing agent, which is cosolvent and is required to be distilled off after the reaction, and the aromatic monohydroxy compound causes a reaction of a terminal amino group and/or a carboxy group of the polyamide and the aliphatic polyester or an amide/ester interchange reaction of the polyamide and the polyester.

Therefore, the present invention is not obvious over Matsumura in view of Applicant’s Prior Patent, because 1) a polyhydric alcohol used as a depolymerizing agent in the present invention is completely different from the aromatic monohydroxy compound, and 2) there is a big difference between ‘depolymerizing’ and ‘polycondensing’ steps according to the present

application and the reaction of a terminal amino group and/or a carboxy group of the polyamide and the aliphatic polyester disclosed in Matsumura.

Second, the recycling method according to the amended claims 1, 18 and 21 can ensure better control of the physical properties of the obtained polyester-amide block polymer by adding the additional waste polyamide to maintain the content of the polyamide block in the polyester-amide block polymer. As a result, the present invention can solve the problem that the content of the polyamide block shows considerable discrepancies according to the source of waste polymers, and the difficulty in achieving the polyester-amide block polymer with constant properties.

Also, the recycling method according to the amended claims provides the polyester-amide block polymer showing remarkable improvements in terms of thermal resistance, compatibility with other polymers, anti-static property and oil-resistance due to the additional waste polyamide.

Applicant respectfully submits that Claims 1, 18 and 21 are not taught or suggested by Matsumura, Applicant's Prior Patent, or their combination. Applicant respectfully requests Claims 1, 18 and 21 be passed to allowance.

Dependent Claims

Although Applicant has not addressed all the issues of dependent claims, since Claims 2-17, 19-20 and 22-26 each depend directly or indirectly from Claims 1, 18 and 21, Applicant respectfully requests prompt allowance of the dependent claims.

Conclusion

In view of the amendments, and remarks made above, and replacement drawing sheet attached hereto, it is respectfully submitted that Claims 1-26 be passed to allowance in due course. If it is believed that a telephone conversation would expedite the prosecution of the present application, or clarify matters with regard to its allowance, the Examiner is invited to contact the undersigned attorney at the number listed below.

Respectively submitted,

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